U.S. Department of Agriculture

Advisory Committee on Biotechnology and 21st Century Agriculture (AC21)

Public Comments:

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Mr. Chairman and Members of AC21:

Thank you for the opportunity to provide comments on this committee’s charge and the topics of coexistence and compensation in agriculture. I have been a part of this conversation for more than 25 years, and I have listened with interest as AC21 has explored the need for policy that would compensate some growers for economic losses due to the inadvertent presence of certain genetic material in the product they sell.

My comments today come from three perspectives:

* Foremost, I am a farmer and I understand the risks and rewards that are inherent in agriculture. I am the owner and operator of Pleasant Valley Gardens in Methuen, Mass., a 50 acre family farm where we raise fresh market vegetables, vegetable transplants, bedding plants and potted flowering plants. We are beginning our 103rd growing season.
* Second, I am a volunteer leader and representative of our country’s largest general farm organization. I currently serve as president of the Massachusetts Farm Bureau Federation (MFBF) and my comments today are on behalf of the more than 6,000 members of MFBF. My comments also reflect the interests and concerns of the American Farm Bureau Federation and its more than 6 million member families.
* Finally, as a specialist in plant physiology, food safety and weed management, I hold degrees from Cornell University and a Ph.D. Oregon State University, and I have served on the agriculture science faculties of North Carolina State University and the University of Massachusetts.

With that background, I would like to raise three questions that I hope provide a useful lens to help this committee reach a conclusion that is in the best interest of U.S. farmers, the agriculture industry and sound public policy.

#### What is governments’ role in the science and marketability of crops derived from modern biotechnology?

* It is important to note that we are considering products that do not pose a human health or environmental risk. The weight of experience and scientific evidence has proven the safety and environmental benefits of agriculture biotechnology.
* All commercialized plant biotechnology products have passed thorough regulatory reviews by USDA, EPA and FDA, and have been shown to not pose any more risk than conventional varieties.
* Advances in agriculture biotechnology have provided farmers and consumers with considerable economic and environmental benefits. For example, I have grown Bt sweet corn for more than 10 years and have not sprayed for insects even once.
* Because of these advantages, some of the earliest advocates for modern biotechnology were organic growers that saw great promise from seed technology that reduced dependency on pesticides and other inputs.
* For example, the Maine Organic Farmers and Gardeners Association provided public comment to the Maine Pesticide Board many years ago in favor of the registration of Bt potatoes in Maine. It is my opinion that the PIP (Plant-Pesticide or Plant-Incorporated Protectant) rule soured the organic community on acceptance of agriculture biotechnology by connecting the word pesticide to potential organic crops. Many growers who are sincerely passionate about sustainable agriculture and human and environmental impact embrace modern biotechnology.
* It is important to recognize that the absence of genetically engineered material is a market-based preference and products of modern biotechnology are safe, environmentally sound and as legal to use as conventional seed.
* Imposing federal policy that favors a particular market preference and ignores science contradicts rational policy, undermines the U.S.’s impressive record of science-based regulation, and challenges the freedom and autonomy of growers and industry to respond to market incentives.

#### How has coexistence worked in other crops and why is modern biotechnology unique?

* Coexistence in agriculture is not a new topic and is not unique to the presence of modern biotechnology.
* For example, in the 1980s, when the Supersweet sweet corn varieties were first introduced through traditional plant breeding, separation from normal sugary varieties was critical to maintain the integrity of the Supersweets. Growers quickly learned that this separation could easily be achieved both on the farm and across fence lines through planning and communication. Within a single growing season, the problem was solved and has not been an issue since.
* Experience shows that grower-to-grower risk and coexistence is best managed on the farm through good agronomic and neighborly practices. Show me 100 farmers and I will show you at least 99 who have good working relationships with their neighbors.
* The fact is that the coexistence of conventional, non-biotech and biotech varieties is not the formidable challenge that opponents of biotechnology claim.
* An attempt to impose federal action is not consistent with the history of coexistence in agriculture and significantly discounts workable local, private solutions.

#### How do we best protect the interest of farmers and maintain dynamic, responsive markets for food and agriculture?

* Currently, the federal government’s only direct role in the market for non-biotech products is through the National Organic Program (NOP).
* The NOP was very carefully crafted to acknowledge that the absence of genetically engineered material in agriculture is purely a market preference and that it is impractical for farmers to eliminate 100 percent of the risk of adventitious presence of certain genetic material.
* In fact, the processed-based standard embedded in the NOP is deliberately designed to protect farmers. Growers who inadvertently have genetic material present in their crop do not lose certification.
* A compensation mechanism unnecessarily meddles in the marketplace and goes well beyond the NOP’s low-level presence standard. Practically, such policy would require imposing a threshold that increases grower risk and steers the market toward an arbitrary standard with no public health, plant health or scientific justification.
* When growers see an exploitable consumer demand in the market, they should have every right to pursue that opportunity, provided they accept the risk and responsibility of serving the market and meeting private contractual obligations.
* For example, I have worked with farmers growing butternut squash seed for a vegetable seed company that required a buffer to ensure the integrity of the variety. The seed grower had to find the right buffer and could not restrict squash production on neighboring farms or demand compensation from neighboring farmers just because of his own marketing decision and contractual obligation.
* This example underscores the fact that maintaining crop integrity is not new to agriculture. The introduction of biotechnology to the crop production toolbox does not change the conversation nor does it introduce a unique type of risk. The risk we are discussing is created when an individual farmer makes voluntary marketing and contractual decisions to pursue consumer-driven market opportunities. And, the process-based standards in the NOP provide adequate protection for him or her to do so.
* Attempting to insulate a particular group of farmers from contractual risks does not eliminate that risk, it simply skews the economics of the marketplace and stacks the odds in favor of a particular set of cropping and marketing decisions. In doing so, it transfers the cost to a third, undeserving party, whether it is the public, conventional farmers, or the seed research and biotechnology community. That is not in the interest of the agriculture community or the consumers we serve.